

**Proposed Minutes**  
**Commission on Improving the Status of Children in Indiana**  
**Wednesday, May 10, 2017**  
**Indiana Government Center South, Conference Room 4 and 5**  
**10:00 AM – 2:00 PM**

**Members Present:**

- Dr. Jerome Adams, Indiana State Health Commissioner, Indiana State Department of Health
- Christine Blessinger, Director, Department of Correction, Division of Youth Services
- Mary Beth Bonaventura, Director, Indiana Department of Child Services
- Representative David Frizzell
- Curtis T. Hill, Indiana Attorney General
- Senator Erin Houchin
- Senator Tim Lanane
- Larry Landis, Executive Director, Public Defender Council
- Susan Lightfoot, Chief Probation Officer, Henry County Probation Department
- Dr. Jennifer McCormick, Superintendent of Public Instruction, Indiana Department of Education
- Kevin Moore, Director, Division of Mental Health and Addiction
- David Powell, Executive Director, Indiana Prosecuting Attorneys Council
- Justice Loretta Rush, Chief Justice of Indiana
- Representative Vanessa Summers
- Dr. Jennifer Walthall, M.D., Secretary, Indiana Family and Social Services Administration
- Mary Willis, Chief Administrative Officer, Indiana Office of Judicial Administration
- Jason Dudich, Director, State Budget Agency
- John Hammond IV, Office of the Governor

1. Welcome

Chief Justice Rush welcomed all attendees to the meeting. Several members of the CISC were at a meeting with the Governor and would be arriving late. As such, some topics were addressed out of order.

2. Task Force Chairs Meeting

Mary Willis gave an overview of the Task Force Chairs meeting that occurred prior to the CISC meeting. Willis noted that Taylor Cooper and Kristie McCullough from Claris Consulting Group were present at the meeting. The new Communications Committee was represented at that meeting by chair Kathryn Dolan of the Indiana Supreme Court's Office of Communication, Education, and Outreach. The Educational Outcomes Task Force was focused on exciting new projects. An Educational Passport that could follow a child from school to school with all the child's relevant educational records was being discussed, as well as wraparound services located within schools. Additionally, the task force intended to review Indiana's accountability laws for mobile and home-schooled students. The Data Sharing and Mapping Task Force, chaired by Julie Whitman, is examining communication and information sharing between agencies. This task force will also be looking at memorandums of understanding used by state agencies. The Communications Committee will be discussing their agenda with Claris in June. Serrilla Blackmon indicated that the Substance Abuse and Mental Health Task Force would be focused on coordinating levels of care, including Systems of Care. The Child Safety and Services Task Force had a

preliminary meeting discussing child abuse education for school children. Chief Justice Rush noted that these task forces comprised of members from several organizations were meeting as often as monthly to accomplish their priorities, and agencies that have never collaborated before are now working together through the task forces.

### 3. Legislative Updates

Parvonay Stover, Legislative Director at the Indiana Department of Child Services (DCS), updated the CISC on legislation that passed in the recently concluded legislative session. Stover began with HEA 1079, which deals with required background checks for child abuse and neglect on school employees. Chief Justice Rush noted that Trial Court Technology at the Indiana Office of Judicial Administration has created a child abuse registry for criminal convictions relating to child abuse in response to a new piece of legislation. Stover then referenced HEA 1080, which creates an executive director position for the CISC. One provision in HEA 1342 addresses a concern raised by doctors about the rebuttable presumption contained within SEA 447 that a child is a child in need of services (CHINS) where that child has neonatal abstinence syndrome. Doctors feared the presumption may discourage pregnant women from seeking medical care. The rebuttable presumption was removed. Another bill, HEA 1430, requires teachers to receive suicide prevention education every three years.

Stover then turned to SEA 355, which requires children in schools from kindergarten to 12<sup>th</sup> grade to receive child abuse education, including topics such as safe touch and body autonomy. This education is required starting in 2018. SEA 366 allows children in foster care to get a driver's license without paying a fee. SEA 447 is the DCS agency bill, containing several provisions that affect vulnerable youth. These include the addition of neonatal abstinence syndrome to the CHINS statute, child abuse and neglect training for school employees, and DCS paying for fingerprint checks for adoption from foster care. New legislation on Medicaid, SEA 497, will allow former foster youth to remain on Medicaid until age 26.

Chief Justice Rush inquired about the graph included in Stover's presentation materials. Stover explained that the graph is a snapshot of the number of children in the DCS system by case type over the last 5 years. The graph showed an increase from 13,138 CHINS cases in April 2012 to 23,793 in April 2017. Stover then moved on to discuss a small addition to SEA 38 that was requested by David Powell. The new provision prevents sex or violent offenders from expunging misdemeanor offenses. Cathy Danyluk, co-chair of the Educational Outcomes Task Force from the Indiana Department of Education, spoke on behalf of Superintendent McCormick. The Department of Education is working to implement initiatives passed in recent legislation aimed at the educational sector. They have filmed videos on topics related to child abuse, including a video interview with former Park Tudor teacher Kyle Cox, who received a 14 year sentence in federal prison for his involvement with a student.

Director Bonaventura noted the reasons for the surge in CHINS cases are obvious to anyone working to fight the drug epidemic. In 2016, 52.7% of removals were related to substance abuse. Many of these removals are based around neglect. Parenting a child safely is difficult for an intoxicated person. The increase in CHINS caseloads has been substantial. In 2014, there was a 28% increase in cases; in 2015, 13%; and in 2016, caseloads increased again by 17%. For the first time, DCS has data on the prevalence of particular drugs in their cases. Alcohol and marijuana vary as #1 and #2, dependent on the time period. Opiates and methamphetamine are the next two.

### 4. Executive Director Position

Mary Willis thanked Representative Frizzell for his significant efforts to move HB 1080 through the legislature. The Executive Committee has decided upon a hiring plan for the new Executive Director

position. Applications for the position are being accepted until May 24, 2017. Good applications have already been received. Twelve individuals have completed applications for the position thus far. By June 21<sup>st</sup>, the Executive Committee will discuss the most qualified applicants. The Committee will then select a candidate by August 16, 2017, with hopes that the Executive Director will begin work by September 1.

A correction to the February CISC meeting minutes was requested, as HB 1080 was incorrectly identified as HB 1218. The CISC approved this correction.

##### 5. Human Trafficking Screening Tools

The Hon. Kimberly Dowling, Delaware Circuit Court #2, and Ruth Reichard, Indiana Office of Court Services, presented on efforts to combat human trafficking in Indiana. HB 1218 was passed in the recent legislative session. Among other things, it changes the crime of prostitution in Indiana to require that the individual committing the act must be at least 18 years of age. As such, Indiana is now a safe harbor state for juveniles on this issue.

A Commercially and Sexually Exploited Children (CSEC) workgroup was formed in January 2016, and concluded its work in December 2016. Most people think that children who are being trafficked will identify themselves as such, but generally children will deny they are being trafficked if asked. A screening tool was needed to help identify these children. The workgroup collaborated with DCS on this topic because human trafficking on its own is now sufficient to prove a child is CHINS, thanks to recent additions to the CHINS statute. Further, it was desirable to build the screening tool to be similar to DCS' tool, as DCS was required to screen for human trafficking by changes in federal law.

The screening tool needed to strike a balance between factors unique to trafficked children and somewhat more ambiguous factors that could still indicate a risk of trafficking, such as tattoos or other body markings. The workgroup included input from public defenders, who helped shape the tool's protocol. Based on their feedback, the tool is now based upon observation as opposed to questions asked of the children. The screening tool will be piloted in five counties – Allen, Clark, Delaware, Marion, and Tippecanoe. These counties had representation on the workgroup and were all seeing trafficked children in their courts. The workgroup has now dramatically reduced in size to 15 members. The workgroup would like to be a subcommittee of the Juvenile Justice & Cross-System Youth Task Force. The tool will hopefully be rolled out to the entire state next May at the probation officers' annual meeting. It will be modified as needed based on the pilot counties' experiences with its implementation.

After the tool was finished, a Quick Indicator (QI) tool was needed for law enforcement and health care professionals. These individuals often come into contact with trafficked children. A QI was developed for each group. The QI cards are small enough to fit into an officer's pocket and include a list of four or five factors for use in determining if a full screening tool should be administered. If the user finds that a full screen is warranted, the card directs them to report the situation to the DCS hotline.

Chief Justice Rush asked which groups are being trained on the QI tools. For instance, many trafficked children are moved through the airports; are airport personnel included? The Department of Education would like to collaborate with the workgroup on a QI tool for teachers and other educational staff. Dave Powell noted that SB 355 requires child abuse education for children, and the implementation of that requirement might be a perfect opportunity to include material on trafficking. Chris Blessinger asked if the Department of Correction could also access the tool – Judge Dowling confirmed that they could. Rep. Frizzell asked which pieces of the tool have been rolled out to the state. The screening tool is already available throughout the state to probation officers. Susan Lightfoot confirmed that the tool is simple to use. Kevin Moore was willing to help in connecting the workgroup to providers throughout the state.

Lightfoot offered that residential treatment facilities might be another appropriate place for a QI tool. Chief Justice Rush suggested that the Department of Education should be included as part of the workgroup. Larry Landis asked what programs are available for treatment of these children. Judge Dowling indicated that the level of services available to trafficked children is growing. In 2014, these services were minimal. Currently, Lutherwood has a program, Valle Vista will take some of these kids, and a program is beginning to accept these kids in Henry County. The Youth Opportunity Center offers outpatient services for trafficked children. Chief Justice Rush added that more services are coming. Landis clarified that he was concerned about materially improving the lives of these children; if no services are available, children are not always better off after intervention.

Susan Lightfoot moved to place the workgroup as a subcommittee of the Juvenile Justice & Cross-System Youth Task Force, and Dave Powell seconded. The motion passed.

#### 6. Indiana Coalition to End Sexual Assault

Tracey Horth Krueger, Chief Executive Officer of the Indiana Coalition to End Sexual Assault (ICESA), presented on sexual assault in Indiana. Krueger covered the mission and vision of her organization, which aims to provide training and education to empower communities to prevent sexual assault. The organization was formed in 2015. Krueger discussed some of ICESA's ongoing efforts in Indiana. ICESA is trying to increase the number of Rape Crisis Centers in Indiana. Currently, there are three, as opposed to 50 in Ohio and 90 in North Carolina. By this time next year, Krueger hopes there will be ten to eleven, and capacity will be increased from there as needed. Through the Sexual Assault Victims' Assistance Fund, the number of Sexual Assault Nurse Examiners (SANEs) will also be increased. Right now, the state is sending victims to Cincinnati to see a SANE. ICESA is also collaborating with ten universities in the state on its Campus Consortium project. The project aims to improve university support of students when they report sexual assault. ICESA is working with the Indiana Prosecuting Attorneys Council on Sexual Assault Response Teams (SARTs). Other initiatives include rape prevention education through a grant from the Indiana State Department of Health, trainings, a prison rape elimination project for SARTs in correctional facilities, and Indiana Protection for Abused Trafficked Humans, along with the Attorney General's office.

Krueger then talked about statistics surrounding sexual assault in Indiana. The state is second highest in the nation in reported rapes by high school girls. Child sexual assault has devastating consequences for children; women are twice as likely to suffer from depression, and three times as likely to develop psychiatric issues. Drug abuse is more common than alcohol abuse, and victims are three times as likely to develop substance abuse problems. The impact of sexual assault is at the core of many societal problems. Victims are more likely to run away and more likely to become juvenile delinquents. Academic issues are more common. Victims are three times more likely to have sexual behavior issues, and far more likely to be promiscuous. Obesity risk is also increased.

Five damaging societal norms contribute to creating an environment where sexual assault is prevalent. These include traditional male roles that promote dominance and exploitation, limited female roles that encourage objectification, power emphasis over others, promotion of violence, and overemphasis on privacy. Other contributing factors include sexualization of children, shame and secrecy around discussion of sexuality and child sexual assault, and intergenerational abuse that creates acceptance of child sexual assault. Children are given limited agency, power, and credibility in current culture. Lack of accurate education about child sexual assault leads to opportunities for perpetrators to groom potential victims. Violence and abuse are used to gain power over the vulnerable. Unsupportive and inadequate system and community responses discourage accountability and lead to victim silence and shame.

The Prevention Institute has issued a report entitled *A Time of Opportunity: Shifting the Focus from After-the-Fact Approaches to a Primary Prevention Paradigm*. The report lists a spectrum of prevention, including influencing policy and legislation, changing organizational practices, fostering coalitions and networks, educating providers, promoting community education, and strengthening individual knowledge and skills. Krueger discussed several strategies for moving forward on each part of the spectrum.

Chief Justice Rush asked where the statistic that Indiana is second highest in sexual assault on high school girls came from. Krueger stated its source was the Rape Abuse and Incest Network. Chief Justice Rush also asked if there was a correlation between sexual assault and teen suicide. Dr. Adams referenced the impact of Adverse Childhood Experiences on kids, and noted that migrant farm workers are frequently sexually assaulted. Terry Lee is the new Coordinator for Women's Health at the State Department of Health. The child abuse education required by SB 355 is meaningful in this area. Director Bonaventura noted that after a series of presentations in Lake County on the topic of sexual assault, 72 children came forward and disclosed. There were 100 such disclosures total last year. Education is thus crucial in this effort. Dave Powell asked if there were any way for doctors to report anonymously. The statute of limitations otherwise may preclude some prosecutions. However, there is no statute of limitations for rape.

Chief Justice Rush asked about the backlog in untested rape kits in Indiana. Krueger noted they have worked with Sen. Crider on this issue and are doing an audit on how many rape kits are pending. That number could be as high as 10000. The State Police and Crime Lab say that they process kits fairly quickly. Some kits are not tested; for example, in some cases, the perpetrator confessed. The number of untested kits that require testing is likely much smaller than the referenced 10000. Dr. Walthall noted it can be very logistically challenging to arrange pick-up and processing of rape kits. Chain of custody dictates that the kit must be picked up by a law enforcement officer in the county where the crime occurred. Chief Justice Rush thanked Dr. Adams for suggesting this speaker.

## 7. Smart on Juvenile Justice

Amy Karozos presented for the Indiana Public Defender Council (IPDC). Indiana was assessed in 2006 on juvenile access to and quality of representation in delinquency proceedings. At the time, a high percentage of children going to the Department of Correction did not receive counsel. The quality of the representation others received was relatively low; some juvenile public defenders either had little to no experience in juvenile delinquency cases or had never received training. The Office of Juvenile Justice and Delinquency Prevention made funding available for evaluation of juvenile defense systems in 2015. Further funding was provided in 2016 for implementation of some of the plans developed by the 2015 evaluations. Indiana was one of four states that received planning grants in 2015, and one of two who received implementation grants in 2016. The grant amount is \$742,848 ending Sept. 30, 2018.

Karozos laid out four goals for the plan to improve Indiana's juvenile defense system. These goals included ensuring that all youth have access to counsel at all critical stages including early appointment at detention or initial hearings; creating a strong system of post-dispositional representation for youth including appellate advocacy and civil services for reentry; promoting a system of comprehensive and thorough legal advocacy that recognizes juvenile defense as a specialization; and enhancing data collection to collect key defense indicators statewide. One part of the plan includes conducting orientations with youth arriving at the Department of Correction. 81 youth have participated in orientations in Logansport and Madison thus far. Based on early results from the orientations, access to counsel is still an issue, and the delinquency system is overwhelmed with children who have high mental health needs. Also, children often receive different experiences in the system based upon the locality they come from. The IPDC is working on developing and providing free regional juvenile-specific trainings. Three different trainings in three different areas of the state will be held in June, August-September, and

December respectively. These trainings will be held in Valparaiso, Indianapolis, and Bloomington. Assistance is also being provided by IPDC to local juvenile defense attorneys as requested.

Director Bonaventura asked what work IPDC has done with county government to emphasize the importance of juvenile public defense, given that they are county-funded. IPDC is working with the Association of Indiana Counties. Chris Blessinger asked if there were specific counties where Criminal Rule 25 is not being enforced. Karozos confirmed that she was aware of certain counties with Criminal Rule 25 issues. Mary Willis mentioned she recently attended the National Juvenile Justice Summit, and left the Summit with three juvenile justice priorities: surveying for information on juvenile defense, uniform expungement forms and procedures, and reducing disproportionate minority contact in Indiana juvenile justice systems.

8. CISC Operational Plan Update

Kristie McCullough and Taylor Cooper of Clarus provided a brief update on the operational plan. Many items on the plan have already been completed. Jason Dudich suggested that the “job description” language in priority A2b should be modified to read “charter” or “charge.” Chief Justice Rush thanked Casey Family Programs and Clarus for their assistance with the CISC.

9. Next Meeting

The Commission on Improving the Status of Children in Indiana will meet on August 16, 2017, from 10:00 AM-2:00 PM at the Indiana Government Center – South.